IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 3119 of 2004(U)

AGAINST THE ORDER DATED 14/01/2004 IN EA.NOS.142/03 & 355/02 IN EP33/88 IN OS.263/1983 of SUB COURT, CHERTHALA

.....

PETITIONER:

A.M.MOOSA, ASSARIPARAMBIL,
CHANDIROOR MURI, AROOR VILLAGE.

BY ADV. SRI.SAIGI
SRI.SAIGI JACOB PALATTY

RESPONDENTS:

---

1. STATE BANK OF TRAVANCORE, M.G.ROAD.
ERNAKULAM REPRESENTED BY THE BRANCH MANAGER
(DECREE HOLDER)

2. M/S. PHENIX EXPORT COMPANY,
C.C.XVII/1512, PALLICHAL ROAD, KOCHI-5 (1ST J.D.)

3. N.J.SEBASTIAN, S/O. N.J.JOSEPH,
NEDUMPARAMBIL, PALLICHAL ROAD, KOCHI(2ND J.D.)

4. P.A.KUNJUMUHAMMED, KOLLAMPARAMBIL VEEDU,
CHANDIROOR (3RD J.D.)

5. SMT.AMINA UMMA, D/O. KUTTY MOOSA HAJI,
ASSARIPARAMBIL, CHANDIROOR (4TH J.D.)

6. A.M.ABDUL KHADER, S/O.MUHAMMED HAJI,
CIRAJ MANZHIL FROM PEEDIACKAL CHIRAYIL,
CHANDIROOR MURI, AROOR VILLAGE (7TH J.D.)

7. A.M.MUHAMMED KUTTY, JASEELA MANZHIL,
FROM PEEDIACKAL CHIRAYIL, OF DO. DO. (ADDL.8TH J.D.)

8. SAINABHA UMMA D/O. MUHAMMED HAJI,
VADAKKE MURI, FROM OF DO. DO. (ADDL.9TH J.D.)

BY ADV. SRI.M.K.ABDULLA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

1. EXT.P1: COPY OF THE PETITION IN E.A.NO.142/03 IN O.S.NO.263/1983 DATED 1.4.2003.

2. EXT.P2: COPY OF THE OBJECTION FILED BY THE RESPONDENT DATED 4.4.2003

3. EXT.P3: COPY OF THE ORDER IN E.A.142/2003 IN E.P.NO.33/1988 IN O.S.NO.263/1983 IN THE COURT OF SUBORDINATE JUDGE, CHERTHALA DATED 14.1.2004.

4. EXT.P4: COPY OF THE ORDER IN E.A.NO.355/2002 IN E.P.NO.33/88 IN O.S.NO.263/83 IN THE COURT OF THE SUBORDINATE JUDGE, CHERTHALA DATED 14.1.2004.

/TRUE COPY/

P.A. TO JUDGE

PIUS C.KURIAKOSE, J.

W.P.(C).No.3119 of 2004

Dated this the 29th day of November, 2007

JUDGMENT

It is conceded by the learned counsel for the petitioner that the conditions imposed by this court in the interim order dated 28.1.2004 have not been complied with. The counsel further submits that the petitioner is no more and negotiations are under way between the decree holder Bank and the legal representatives of the petitioner. May be what the learned counsel submits is right, however, in view of the interim order dated 28.1.2004 it is not possible to grant the relief sought for in the writ petition.

Accordingly, the writ petition will stand dismissed.

PIUS C.KURIAKOSE,
JUDGE

csl